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PTO/SB/21 (09-06)

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number	10/535,559-Conf. #7699
Filing Date	January 4, 2006
First Named Inventor	Paul Sabin
Art Unit	1745
Examiner Name	Thomas H. Parsons
Attorney Docket Number	58399(47171)

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Christine C. O'Day		
Date	July 6, 2007	Reg. No.	38,256

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EM 054 388 345 US, on the date shown below in an envelope addressed to:  
MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 6, 2007

Signature:

Elizabeth Dunkle



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Dated: July 6, 2007

Signature:

  
(Elisabeth Dunkle)

Docket No.: 58399(47171)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Paul Sabin et al.

Application No.: 10/535,559

Confirmation No.: 7699

Filed: January 4, 2006

Art Unit: 1745

For: MEMBRANE BASED  
ELECTROCHEMICAL CELL STACKS

Examiner: Thomas H. Parsons

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Copies of the U.S. references on the PTO/SB/08 marked by \*\* are not provided since they are not required. Additionally, a copy of foreign reference BA is not included since it was submitted with the Supplemental IDS filed on January 4, 2006. It also is noted that the other references cited on Supplemental IDS filed on January 4, 2006, are reproduced on the attached PTO/SB/08 as a precaution, as it was noted that

the respective publication dates were not included in the submission of January 4, 2004.

Additionally enclosed is a copy of the International Preliminary Examination Report for priority international application PCT/US03/37127, dated November 22, 2004.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 58399(47171). A duplicate copy of this paper is enclosed.

Dated: July 6, 2007

Respectfully submitted,

By Christine C. O'Day  
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JUL 06 2007

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/535,559-Conf. #7699
(Use as many sheets as necessary)				Filing Date	January 4, 2006
				First Named Inventor	Paul Sabin
				Art Unit	1745
				Examiner Name	Thomas H. Parsons
Sheet	1	of	1	Attorney Docket Number	58399(47171)

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA**	US-2003/0096153 A1	05-22-2003	Osenar et al.	
	AB**	US-2002/0045084 A1	04-18-2002	Fuji et al.	
	AC**	US-2001/0019791 A1	09-06-2001	Gooch et al.	
	AD**	US-2002/0031698 A1	03-14-2002	Inoue et al.	
	AE**	US-6,602,632 B2	08-05-2003	Wakaho et al.	
	AF**	US-6,596,427 B1	07-22-2003	Wozniczka et al.	
	AG**	US-6,946,210	06-06-2002	Osenar et al.	
	AH**	US 2005-0244703	11-13-2005	Osenar et al.	

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA**	EP-1302996 A2	04-16-2003	Kobayashi et al.		
	BB	WO-2002/043173	05/2002	Protonex Technology Corp.		
	BC	WO-2003/036747	05/2003	Protonex Technology Corp.		
	BD	WO-2003/092096	11/2003	Protonex Technology Corp.		
	BE	WO-2004/027896	01/2004	Protonex Technology Corp.		
	BF	WO-1996/020509	07/1996	Ballard Power Systems Inc.		

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **\* CITE NO.:** Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. **'** Applicant's unique citation designation number (optional). **<sup>2</sup>** See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. **<sup>3</sup>** Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). **<sup>4</sup>** For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. **<sup>5</sup>** Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. **<sup>6</sup>** Applicant is to place a check mark here if English language Translation is attached.

## NON PATENT LITERATURE DOCUMENTS

NON-PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
611769			



JUL 06 2007

Application No. (if known): 10/535,559

Attorney Docket No.: 58399(47171)

## Certificate of Express Mailing Under 37 CFR 1.10

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Elisabeth Dunkle

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Transmittal (1 page)  
Supplemental Information Disclosure Statement (2 pages)  
IDS (Citation) by Applicant (14 References cited) (1 page)  
Copy of International Preliminary Examination Report (4 pages)